

REMARKS

Claims 1-7 are pending in this application. Reconsideration of the application based upon the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representatives by Examiner Wollschlager during the telephone interview held October 3, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

I. Objection to Amendment to Drawings

The Office Action objects to the Amendment to the Drawings, originally filed April 30, 2007, under 35 U.S.C. §132(a) as introducing new matter into the disclosure. The Office Action asserts that this objection may be overcome by pointing to the location in the original disclosure where support for this amendment may be found.

The Office Action asserts that because paragraph [0012] discloses that "the coagulation bath has a depth of 'more than 10 mm and less than 20 mm' while paragraph [0039] exemplifies eight diaphragms located 'at 10 mm below the surface of the coagulation bath'" that this proves that the diaphragm is not at the bottom of the coagulation bath.

Applicants respectfully disagree with this assertion.

As asserted during the interview and explained in the attached Declaration, paragraph [0012] is simply discussing one of several factors used to determine the optimal depth of the coagulation bath. Paragraph [0012] clearly recites that "when the coagulation bath has a depth of more than 10 mm and less than 20 mm, optimum coagulation of the fiber is obtained" (emphasis added). Coagulation is just one of several factors that must be taken into consideration when the optimal depth of the coagulation bath is selected. For example, at increased coagulation bath depths, the fluid friction forces increase which results in adverse effects on the fibers produced. Once all of the factors are evaluated the optimal coagulation

bath depth may be at or less than 10 mm, as shown in the specific example of paragraph [0039]. Thus, the combination of these two paragraphs does not prove that the diaphragm of paragraph [0039] is not located at the bottom of the coagulation bath, because there is no requirement that the depth of the coagulation bath must be greater than 10 mm, and in fact, the optimal coagulation bath depth may be selected to be at or less than 10 mm.

The Office Action further asserts that "paragraph [0029] recites that 'in all embodiments, each of the spinning fields is in combination with a slot or diaphragm,' while paragraph [0018] recites that 'it is preferred to provide the bottom of the coagulation bath per spinning field with an opening.'" The Office Action then concludes that this proves that each spinning field must be in combination with a slot or diaphragm, whereas is only preferred that each spinning field is provided with a discharge opening at the bottom of the coagulation bath, thus the slot or diaphragm does not correspond to the discharge opening. Applicants respectfully disagree.

As is explained in the attached Declaration, the Examiner is incorrectly construing the meaning of the quoted passages due to an unfortunate choice in word ordering by the author, whose native language is not English. At the interview, the Examiner indicated this his position is that the statement "it is preferred to provide the bottom of the coagulation bath per spinning field with an opening" indicates that the opening does not have to be at the bottom of the bath. However, in this passage, the term "preferred" was not intended to modify the location or the presence or absence of the opening at the bottom of the bath but instead was intended to pair the shape of the spinning fields with the shape of the openings (which correspond to the slots or diaphragms). In fact, the section of paragraphs [0018] quoted by the Office Action supports this position. For instance, paragraph [0018] recites, "if the opening has a somewhat greater length than the spinning filed, it facilitates the in-spinning process." Furthermore, "[i]n general the difference of the length and the width with regard to

the spinning filed should be moderate.” These statements do not indicate either that (1) the opening may or may not be present, nor that (2) the opening may be in any location other than the bottom. Instead, these statements indicate that each slot or diaphragm could have a slightly different shape than the spinning field. Thus, the first "preferred" that appears in paragraph [0018] was intended only to pair the specific shape of each opening at the bottom of the coagulation bath (i.e. slot or diaphragm) with the shape of the corresponding spinning field. The attached Declaration shows that paragraph [0018] would clearly be understood in this manner by a person having ordinary skill in the art. Therefore, the Office Action's reliance on the language of paragraph [0018] to conclude that "the slot or diaphragm does not correspond to the discharge opening" is misplaced. Applicants respectfully submit that the location of the slot/diaphragm does correspond to the location of the discharge opening (i.e. they are both at the bottom), for all of the reasons discussed herein and in the attached Declaration.

Accordingly, new Figure 2 is supported by the disclosure in the specification.

Reconsideration and withdrawal of the objection are respectfully requested.

II. Rejection Under 35 U.S.C. §112

a. First Paragraph

Claims 1-7 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

The Office Action asserts that, in claims 1 and 2, the limitation requiring that the slot or diaphragm be positioned at the bottom of the coagulation bath, as shown in replacement Figure 2, does not appear to be supported by the original disclosure. As discussed above, and in the attached Declaration, the specification supports the amendment to Figure 2.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:STD/std

Attachment:

Declaration Under 37 C.F.R. §1.132 - Dr. Stephen J. Picken
Petition for Extension of Time

Date: October 30, 2008

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